

OUTGOING
TELEGRAM

Department of State

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REASON(S)

VERBATIM TEXT

ENDORSE EXISTING MARKINGS

DECLASSIFIED ☐ SENT TO

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PA OF FOI EXEMPTIONS

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EMBTEL 227. Text note for Formin on Senate reservation follows

Senate reservation is in terms mutuality applying equally to both countries upon acceptance by Japan. Thus no reason for different reservation by Japan but Japanese may wish submit identical reservation to Diet. Reference to MFN clause due fear Senators that purpose might be

frustrated by MFN clauses ~~other agreements~~ or elsewhere in treaty, and subject to reflects excess caution since none of five ~~countries in whose treaties~~ (such additional clauses reservations ~~attached would have~~ MFN/rights applicable professions. five Senate desired reservation uniform all treaties without distinction and apparently even attached it Danish treaty where ~~likely~~ redundant.

Policy established for all treaties now and future. More favorable provisions remain in cases Italy, Ireland, Austria, El Salvador, Liberia, Honduras. Fonoff should understand new policy cannot apply treaties already in force. Senate attached reservation to 1923 German treaty since agreement was before it clarifying status that treaty after intervening hostilities.

EMB should make clear reservation related strong domestic political movement limit constitutional authority President for making treaties, reflecting in part dislike of UN, resentment toward certain wartime agreements, and opposition growth of power Federal Govt. Reservation

not

Drafted by:

EDT:CP:VG:Setser:hc

7/23/53

Telegraphic transmission and classification approved by:

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NACOS
C/T

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not (repeat not) motivated by desire restrict aliens.

Begin VERBATIM TEXT

Hickenlooper, Chairman treaty subcommittee stated at hearing QTE I want it clearly understood that the members of the committee who objected to that provision in the Israel Treaty and the Japanese Treaty are not raising their objection to the practice of the professions by foreign nationals in this country. . . . It is the desire. . . . to protect the rights of our 48 States under their own constitutions to regulate professions which have to do with the public good and health. UNQTE

Dulles
(v.g.s.)

DULLES

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